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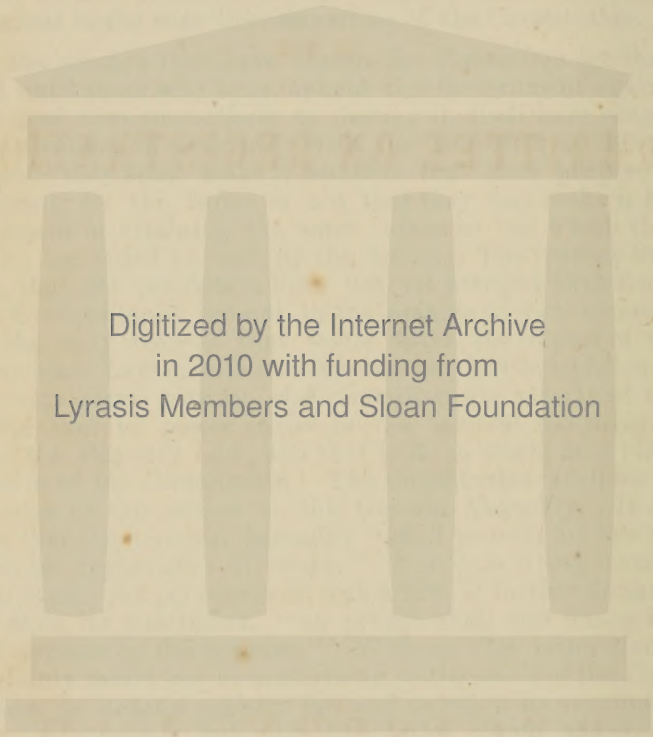

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BY THE SENATE,
February 8th, 1866.
Read and 2,000 copies ordered to be printed.

MINORITY REPORT

OF THE

COMMITTEE ON REGISTRATION,

UPON

PETITIONS FROM VARIOUS PARTS OF THE STATE IN FAVOR OF AND AGAINST THE REPEAL

OF THE

REGISTRY LAW.

ANNAPOLIS:
HAVERSTICK & LONGNECKERS, PRINTERS,
1866.

REPORT.

The undersigned, a minority of the committee on Registration, to which was referred sundry memorials asking the removal of the constitutional disabilities in relation to the elective franchise beg leave to dissent from the position assumed by the majority, and to urge upon the House the necessity of taking such action as will speedily remove the disqualifications under which a large majority of our people are laboring. The disqualifying provisions of our constitution, if imposed upon the people as punishments, would even under the decision of our Court of Appeals, be clearly illegal and void. Believing, as we do, that the deprivation of the right of suffrage is the severest punishment that can be inflicted upon the citizens, and that the visiting of such a penalty for acts done, which were not criminal at the time the offences were committed, is contrary to the spirit of free institutions, and repugnant to the Bill of Rights of Maryland, and the constitution of the United States; therefore in our opinion, those provisions in order to have the least shadow of validity, must be regarded as *preventive* in their operation and not *punitive* in their character. These odious disabilities were imposed in the midst of a sanguinary strife, when passion had usurped the dominion of reason; when the barriers of the Constitution were overleaped under the plea of preserving the Government; but now all danger has passed; the Southern people have expressed an almost unanimous desire to return to their allegiance; many of their chosen leaders

are engaged in the peaceful pursuits of industry; and thus, the cause of these enactments being removed, why should not the effects cease? If the provisions of the Constitution are *preventive*, there being no longer any danger to apprehend, it is nothing short of oppression to continue them, and if they are *punitive*, they are clearly illegal and void under the decision of the Court of Appeals.

We cannot believe the disfranchisement of our people justifiable, and therefore would say to those who assumed the power in trying times, that if then excusable, a heavy responsibility will rest upon those who persist in denying, without reason or justification, the dearest rights of citizenship to a large majority of the people of Maryland. At this auspicious period, when the dark clouds that enveloped the country for four long and bloody years are passing away; when the bright era of unity and peace is dawning upon the Republic; when the wise and generous statesmanship of the President of the United States is receiving the well merited plaudits of the civilized world, are the people of Maryland alone to be deprived of their most valuable privilege for simply exercising the sacred right of conscience?

The undersigned cannot believe that the honorable members of the General Assembly will longer sanction the proscriptive clauses of the Constitution, but that they will at once perceive the justice of removing the undue rigor that has been exercised towards so many of their fellow citizens. Such an act of well-timed justice would, in the opinion of the undersigned, receive the sanction of three-fourths of our people; greatly conduce to the prosperity of our State, and the restoration of that kindly feeling which should exist among citizens of a common country. All history proves that no government can rest secure upon prospective principles, and that they should participate in the exercise of political power who have great and endearing interests to provide for and protect. Let us then draw lessons of political wisdom from the contemplation of the past to guide us to the goal that lies open to our future; and let us firmly assert and maintain those cherished constitutional principles which can alone render our nation great and our people happy.

In conclusion, the undersigned desire to present for the consideration of the House, joint resolutions providing for submitting to the *registered* voters of the State the question as to whether or not the obnoxious clause of the Constitution shall be repealed? We cannot doubt but that, when considering the severe tests of loyalty which those voters have undergone, the gentlemen of the majority will be willing to

commit into their hands the ultimate decision of the question.

JOINT RESOLUTIONS, PROPOSING AMENDMENTS TO THE CONSTITUTION.

Resolved by the General Assembly of Maryland,(three-fifths of the members elected to both Houses concurring,) That the Constitution be, and is hereby amended by striking out the fourth section of article first of the Constitution, and inserting, in lieu thereof the following, as the fourth section of article first of the Constitution.

Section 4. Every white male citizen of the United States, of the age of twenty-one years or upwards, who has resided, or will have resided in this State one year next preceding the election succeeding the date of his registry, and six months in the county or legislative district of Baltimore city in which he applies for registration, shall be entitled to vote and to be registered as a legal and qualified voter, unless otherwise disqualified by this Constitution: provided he shall take and subscribe before the officer or officers of registration the following oath:

"I do swear (or affirm) that I will bear true allegiance to the State of Maryland, and support the constitution and laws thereof, and that I will bear true allegiance to the United States and support, protect and defend the constitution, laws and Government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; and I do further swear (or affirm) that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed, under any circumstances, if in my power to prevent it, and that I will at all times discountenance and oppose all combinations having for their object such dissolution or destruction."

And any person declining to take the oath shall not be registered or permitted to vote.

2. *Resolved by the General Assembly of Maryland, (three-fifths of the members elected to both Houses concurring,)* That the constitution be, and is hereby amended by striking out the seventh section of article first of the constitution, and inserting in lieu thereof the following as the seventh section of article first of the constitution.

Section 7th. Every person elected or appointed to any office of trust or profit, under this constitution or under the

laws made pursuant therto, before he shall enter upon the duties of such office, shall take and subscribe to tbe following oath or affirmation:

"I,——, do swear, (or affirm, as the case may be,) that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of———according to the constitution and laws of this State; and that since the fourth day of July, in the year of 1851, I have not, in any manner, violated the provisions of the present or the late constitution in relation to the bribery of votes to be given; (and if a Governor, member of the House of Delegates or Judge,) that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the time of my acting as———. I do further swear (or affirm) that I will bear true allegiance to the State of Maryland, and support the constitution and laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the constitution, laws and government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding: and I do further swear (or affirm) that I will, to the best of my abilities, protect and defend the union of the United States, and not allow the same to be broken up and dissolved or the government thereof to be destroyed under any circumstances, if in my power to prevent it; and that I will, at all times, discountenance and oppose all political combinations having for their object such dissolution or destruction."

All of which is respectfully submitted.

B. A. JAMISON,
LEWIN USILTON.